

REMARKS/ARGUMENTS

Claims 2-4, 7, 9, 10, 12-15, 19, 20, 22, 23, 29, 33-35, 37, 42, 43, 45 and 48 are pending in the application. Claims 7, 12, 15, 19, 20, 22, 23, 29, 34, 35, 37, 43, and 48 have been allowed. Claims 2, 3, 9, 13, 14, 33 and 42 are rejected. Claims 4, 10 and 45 objected to.

Claim 45 has been amended to correct the typographical error; a similar error (a missing space) has been corrected in claim 2).

Claim 2 is rejected under 35 USC 102(e) as being anticipated by Hinkel (US 6192985). Hinkel (col. 7, lines 23-47 and claim 11) teaches encapsulated breakers, that are oxidizers, for viscosifiers that may be viscoelastic surfactants. Hinkel does not teach breaking by electrolytes, encapsulated or otherwise; encapsulation as a generic method of releasing a breaker for a viscoelastic surfactant has been removed from claim 2.

Claims 2, 9, 13, 14, 33, and 42 are rejected under 35 USC 102(e) as being anticipated by Qu (US 6435277). Qu teaches a fluid comprising a viscoelastic surfactant and an amine, such as dodecyl amine, that would melt when heated. However, the concentration of the dodecyl amine in Example 25 of Qu is 0.05 to 0.15%. The concentration of dodecylamine in Example 5 of the present application is 1%. The first two paragraphs of the background section of the present application explain that compounds may be breakers for viscoelastic surfactant systems when they are at a sufficient concentration even though they are not breakers, and may even be stabilizers, when at lower concentration. Claims 2, 9, 13, 14, 33, and 42 have been amended to show that the breaking system is released in an amount sufficient to reduce the viscosity of the fluid.

Claims 2 and 3 are rejected under 35 USC 103(a) as being obvious over Hinkel (US6192985). **COMMON OWNERSHIP: The undersigned attests that current Application 09/826,127 and U. S. Patent 6,192,985 were, at the time the invention of Application 09/826,127 was made, owned by Schlumberger Technology Corporation.**

Claims 2 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-15 of US Patent No. 6192985. Applicants have enclosed a Terminal Disclaimer on Form PTO/SB/26 and a Statement under 37 CFR 3.73(b) on Form PTO/SB/96.

Claims 4 and 10 were objected to as been dependent upon rejected base claim 2. Claim 2 has been amended and is believed to be in condition for allowance, so Applicants believe that claims 4 and 10 are now allowable as well.

If there are any outstanding issues, the Examiner is invited to contact the undersigned for prompt resolution thereof.

No fees other than that for the Terminal Disclaimer are believed to be due in connection with this filing; however, should any fees be due, the Commissioner is authorized to charge Deposit Account No. 04-1579(56.0503) in the amount of any applicable fees.

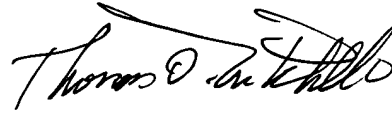
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Appl. No. 09/826,127

Amdt. Dated Aug. 19, 2004

Reply to Final Office Action of June 18, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas O. Mitchell". The signature is fluid and cursive, with a large initial 'T' and 'M'.

Thomas O. Mitchell

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Agent for Applicants

Date: Aug 19, 2004

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